



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

N K

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,937	10/22/2001	Manfred Wilhelm	1318 A	3284

7590 01/23/2003
STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

CRANE, DANIEL C

ART UNIT	PAPER NUMBER
----------	--------------

3725

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

11K

Office Action Summary	Application No.	Applicant(s)	
	10/052,937	WILHELM ET AL.	
	Examiner	Art Unit	
	Daniel C Crane	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3725

-BASIS FOR REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (1) The method is set forth in a narrative format which does not lend itself to a clear and concise understanding of what constitutes the essential steps of the method. Accordingly, the method is found to be vague. (2) With reference to claim 1, the phrase "bending back by a lesser bending degree in an opposite direction" is not clear because there is no indication as to what constitutes "lesser" (lesser than what?). The phrase "treated in this manner" is unclear as it is not understood what "manner" is referring to. The phrase "an embodying less of the three support point for the bending of the spring band steel as a cutting edge..." is not understood. This phrase is not understood. (3) As to claim 2, failure to provide antecedence for "other support points" renders the subject matter indefinite. (4) As to claim 3, the phrase "one after the other" is not clear. (4) With respect to claims 5, 8 and 9, no antecedence for "fourth support point" is set forth. The comparison to the "final bending radius"

Art Unit: 3725

is also unclear since this bending has not been defined. (5) Since the "bending degree" has not been defined, it is unclear what constitutes the "10-20% of the bending degree" in claims 7 and 17. (6) In the context of the claimed continuous advancing, the phrase of "carrying the bending" is not clear in claim 10. (7) What constitutes the "central support point of the bending unit", since this region has not been defined in claim 11. Also, it is unclear whether the "bending unit" and the "banding and reverse bending unit" (last 3 lines of claim 11) are one and the same. (8) Use of the term "preferably" renders the subject matter indefinite because this limitation is not definitively defined in claim 19. (9) What constitutes the "two support points". These points have no antecedent basis. (10) The phrase "it to the bending unit" is not clear. (11) Rails in claim 22 do not constitute an equivalent group of rollers. Accordingly, the claimed "group" is not properly defined.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1, 2, 5, 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteith (1,489,894) or Spinnbau (GB 0743485) either one further in view of Car Ind Tech Res (SU 0640798). Monteith and Spinnbau show the claimed bending unit comprising three support points and a subsequent support point in the form of four reverse bending rollers. Monteith and Spinnbau do not show that the bending unit is provided with a cutting edge for cutting the material. This provision is well recognized in the art as shown by Car Ind Tech Res in the Figure where the cutting edge 30, 31 can be positioned downstream of the bending unit so as to cut the material to its finished length. It would have been obvious to the skilled artisan at the time of the invention to have modified Monteith or Spinnbau's bending units by further

Art Unit: 3725

providing a cutting implement at the downstream end of the unit as shown by Car Ind Tech Res so as to provide the shaped material with the proper length. The features of claim 5 are dependent upon the degree of bend required. Clearly, the skilled artisan would have been disposed to adjust the reverse bending rollers to any position necessary for the required bend. Interruption of the feed is a necessary feature to accomplish any cutting.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 3-4 and 8-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 11-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the

Art Unit: 3725

references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

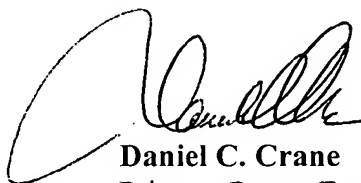
INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(703) 308-1870**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Allen Ostrager, can be reached at **(703) 308-3136**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1148**.

Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725 Facsimile Center number is **(703) 305-3579**.

DCCrane
January 17, 2003



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725